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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

DOUGLAS ASHBY, CAROL PORTO,
GRANT WENZLICK, LEO
NEWBERRY, and EVELYN
BROEFFLE,

Plaintiffs,

v.

FARMERS INSURANCE COMPANY
OF OREGON and FARMERS GROUP,
INC.,

Defendants.

Case No. CV 01-1446 BR

PLAINTIFFS' REQUESTED
VOIR DIRE QUESTIONS AND
OPPOSITION TO DEFENDANTS'
PROPOSED JUROR QUESTIONNAIRE

Based on the comments of the Court regarding juror questionnaires and voir dire at our last conference, plaintiffs do not request that a juror questionnaire be used. Instead, plaintiffs propose that the Court ask the following voir dire questions:

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DEFENDANTS' PROPOSED JUROR QUESTIONNAIRE

1. Based on the statement of the case you heard and/or any other sources of information, does anyone have any special knowledge or additional information about this case?
2. Specifically, has anyone read or heard any media accounts regarding this case?
3. How many of you have been a defendant in a lawsuit?
 - a. What was the nature of the lawsuit?
 - b. What became of the situation?
4. How many of you have had a claim for money damages brought against you or someone close to you?
 - a. Can you briefly explain the situation?
 - b. Was it resolved to your satisfaction?
5. How many of you have served on a jury?
 - a. How many times?
 - b. Was it a civil or criminal case?
 - c. Were you the foreperson?
6. You've heard that this is a class action suit; does anyone have any experience with a class action suit, either you were part of one, opted out of one, or were in some way the target of one?
 - a. Can you briefly explain the situation?
7. Please raise your hand if you have a particularly negative opinion of class action lawsuits.
8. How many think that there should be a cap or limit on the amount that jury's can award in civil lawsuits?
 - a. Does anyone belong to an organization that promotes or advocates for caps on jury awards?
9. How many of you would say that you have experience, knowledge, or specialized training related to the legal field, including as a lawyer, expert witness, paralegal, court reporter, etc.?
 - a. What is the nature of the experience, knowledge, or training?

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10. How many of you would say that you have experience, knowledge, or specialized training related to the insurance industry?
 - a. What is the nature of the experience, knowledge, or training?
11. How many of you know someone close to you that has worked in the insurance industry?
 - a. Can you tell me what they did?
 - b. For how long?
12. How many of you believe that insurance companies have unfairly received a negative reputation?
13. Does anyone work for a credit evaluation or scoring company?
 - a. Which company?
 - b. For how long?
 - c. What do you do?
14. How many of you would say that you have experience, knowledge, or specialized training related to credit evaluation or scoring industry?
 - a. What is the nature of the experience, knowledge, or training?
15. How many of you as part of your job read or evaluate consumers' credit reports or scores?
 - a. What is the name of the company you work for?
 - b. What do you do for them?
16. How many of you work for companies that use consumer credit scores for any reason?
17. How many of you regularly write or interpret contracts?
18. How many of you draft legal documents as part of your job?
19. Please raise your hand if you currently or in the past have worked or had any relevant experiences in the following areas:
 - a. Law, the justice system, or the courts?
 - b. Accounting or book-keeping?
 - c. Business or management?

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If the court chooses to allow the use of a juror questionnaire, plaintiffs believe the following questions from defendants' proposed juror questionnaire should not be asked, because they do not bear on a juror's ability to be impartial in the case.

Question #7 (own, rent, live with others)
Question #8 (satisfied with where you live)
Question #12 (economic situation)
Questions #23-27 (social and media habits)
Question # 43 (laws are clear)
Question #44 (read official looking notices)
Question #48 (shop around for insurance)
Question #52 (complaints about insurance companies)
Question #53 (unfairly raised rates)
Question #54 (policyholders treated unfairly)
Question #55 (trust in insurance companies)
Question #56 (how competitive are rates)
Question #62 (riskiness of applicant)
Question #63 (use of credit report)
Question #66 (class must have merit)
Question #67 (government regulation)

If the court allows any of the questions above, plaintiffs believe the following questions should be added for balancing purposes:

1. How strongly do you agree or disagree with the following statement: "There are far too many lawsuits today." Strongly agree, somewhat agree, somewhat disagree, strongly disagree.

2. How strongly do you agree or disagree with the following statement: "Insurance companies need to do whatever they can do to protect themselves from policyholders who try to take advantage of the claims process. Strongly agree, somewhat agree, somewhat disagree, strongly disagree.

3. How strongly do you agree or disagree with the following statement: "It is necessary for insurance companies to raise the rates of high-risk policyholders to protect the rates

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of low-risk policyholders. Strongly agree, somewhat agree, somewhat disagree, strongly disagree.

4. How strongly do you agree or disagree with the following statement: "Insurance companies should be able to use financial information of a policyholder when determining fair and reasonable insurance rates. Strongly agree, somewhat agree, somewhat disagree, strongly disagree.

DATED this 27th day of April, 2009.

STOLL STOLL BERNE LOKTING & SHLACHTER P.C.

By: /s/ Steve D. Larson

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